IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 14106 of 2007(D)

PETITIONER:

VASUMATHI DEVARAJAN, AGED 57 YEARS,
W/O.DEVARAJAN, PATTILA MURIYIL, EVOOR SOUTH,
PATHIYOOR VILLAGE, NOW RESIDING AT MANAKKATTU
KOCHUVEETTIL, EVOOR SOUTH, PATHIYOOR VILLAGE.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:
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1. M.R.VIJAYAN, S/O.RAGHAVAN,
VIJAYAVILASAM, EVOOR SOUTH, KEERIKKATTU P.O.,
PATHIYOOR, ALAPPUZHA DISTRICT.

2. ARUNAN, S/O.GANGADHARAN CHANNAR,
KRISHNAKRIPA, EVOOR SOUTH, KEERIKKATTU P.O.,
PATHIYOOR, ALAPPUZHA DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
KAREELAKULANGARA POLICE STATION, ALAPPUZHA
DISTRICT.

4. THE CIRCLE INSPECTOR OF POLICE,
KAYAMKULAM.

BY ADV. SRI.R.REJI
GOVT.PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP.C.NO.14106 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXHBIT P1: COPY OF CENTRAL SALES TAX REGISTRATION IN THE NAME OF THE petitioner DT.13.8.1993.

EXHIBIT P2: COPY OF CERTIFICATE OF REGISTRATION UNDER THE KGST ACT DATED 13.8.1993.

EXHIBIT P3: COPY OF REGISTRATION CERTIFICATE ISSUED BY THE ASST. LABOUR OFFICER, KAYAMKULAM DATED 13.3.2006.

EXHIBIT P4: COPY OF LICENCE ISSUED BY THE CHEPPAD GRAMA PANCHAYAT DATED 16.3.2007.

EXHIBIT P5: COPY OF SALE DEED NO.1819 OF SRO, CHEPPAD DATED 30.8.1984.

EXHIBIT P6: COPY OF PLAINT IN O.S.NO.82/2007 OF THE MUNSIFF'S COURT, HARIPPAD DATED 8.3.2007.

EXHIBIT P7: COPY OF INTERIM INJUNCTION ORDER PASSED BY THE MUNSIFF'S COURT, HARIPPAD IN I.A.426/2007 DATED 9.3.2007.

EXHIBIT P8: COPY OF OBJECTION IN IA.426/2007 IN OS.82/2007 DATED 20.3.2007.

EXHIBIT P9: COPY OF ORDER OF THE LEARNED MUNSIFF VACATING THE INJUNCTION ORDER IN I.A.426/2007 IN O.S.82/2007 DATED 29.3.2007.

EXHIBIT P10: COPY OF COMPLAINT DATED 27.3.2007 SUBMITTED BEFORE THE 3RD RESPONDENT.

EXHIBIT P11: COPY OF COMPLAINT DATED 31.3.2007 SUBMITTED BEFORE THE 4TH RESPONDENT.

/TRUE COPY/

PA TO JUDGE

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO. 14106 OF 2007

Dated this the 18th day of June, 2007

JUDGMENT

Raman, J.

Petitioner is running a business in hardwares in the name and style, 'Sreekrishna Trading Company'. It is stated that it is a sole proprietary concern. The first respondent, who was the Manager of the shop, was given a general power-of-attorney for transacting the business. It is alleged that because of some misappropriation, mismanagement and defalcation of funds, the power of attorney was revoked and it is stated that he has no manner of right to continue in the shop. But the first respondent approached the civil court and a temporary injunction was initially obtained. However, eventually, after hearing the parties, the same was dismissed as evidenced by Exhibit P9 order. However, the first respondent has preferred a further appeal before the Additional District Court, Mavelikkara and the same is pending. However, he has not obtained any interim order.

2. According to the first respondent, he has invested huge amount in the business. For the purpose of disposal of this Writ Petition, we do not wish nor is it necessary to enter a finding on the merits of the contentions raised between the parties, especially since the matter is pending before the civil court. However, until such dispute is settled by the civil court, there cannot be any law and order situation and there cannot be any physical obstruction caused. We have already directed the police to afford adequate protection to the life of the petitioner.

3. After hearing both sides, we order that there cannot be any physical obstruction to the petitioner in the matter of conducting business by the petitioner and in case any physical obstruction, the police shall give protection to remove such physical obstruction. However, we make it clear that this will be without prejudice to the contentions of the first respondent in the civil suit. It is also made clear that the civil court will decide the matter independently without being influenced by this order.

P.R.RAMAN, JUDGE

K.HEMA, JUDGE

vgs.